

S/N 10/552,841

In response to the Office Action dated December 4, 2009

**REMARKS**

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Claim 1 has been amended to include the features of claim 2. Claim 2 has been amended to cancel those features now in claim 1. Claim 27 has been amended and is supported in the specification at, for example, FIGs. 3-5. No new matter is added.

**35 USC § 102 Rejections**

Claims 1-2, 6-10, 12-19, 21-22 and 24-26 are rejected under 35 USC 102(b) as being anticipated by List (US 2003/0028126). Applicants respectfully traverse the rejection.

Claim 1 is directed to a lancing apparatus that moves a lancing element in a lancing direction from a wait position to a lancing position to lance an intended portion with the lancing element. The lancing apparatus has a first member which is reciprocally movable in the lancing direction and in a retreating direction which is opposite from the lancing direction, and a second member which moves along with the lancing element and performs reciprocal movement in the lancing direction and the retreating direction in accordance with the movement of the first member. The lancing apparatus has a movement conversion means for converting the reciprocal movement of the first member into the reciprocal movement of the second member in a manner such that a directional change of movement of the second member from the lancing direction to the retreating direction is performed during a one-way stroke of the first member in one of the lancing direction and the retreating direction. The first member is reciprocally movable between a first fixed position and a second fixed position and the second member performs one cycle of reciprocal movement between a third fixed position and a fourth fixed position during one cycle of reciprocal movement of the first member between the first fixed position and the second fixed position.

By way of illustrative example, in FIGS. 15A to 15D, the second member 32 is shown to change in its direction of movement from the lancing direction N1 to the retreating direction N2 during a one-way stroke of the first member 31 in one of the

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lancing direction and the retreating direction (as shown in FIGS. 15C to 15D to 15A, in this order).

List discloses a first member 20, a second member 4, and a pair of link arms 12, 13 that connect the first member 20 and second member 4 (Figures 1a-1d). However, a direction change of the second member 4 from the lancing direction to the retreating direction occurs only when the first member 20 assumes its lower limit position (as shown in Figures 1c → 1d → 1a, in this order), namely while the first member does not move. Therefore, List does not teach or suggest the features of claim 1 requiring “a directional change of movement of the second member from the lancing direction to the retreating direction is performed during a one-way stroke of the first member in one of the lancing direction and the retreating direction”. Further, the second member 4 keeps stationary while the first member 20 reciprocates, and the first member 20 keeps stationary when the second member 4 reciprocates. Therefore, List fails to teach or suggest the features of claim 1 where the “first member is reciprocally movable between a first fixed position and a second fixed position and the second member performs one cycle of reciprocal movement between a third fixed position and a fourth fixed position during one cycle of reciprocal movement of the first member between the first fixed position and the second fixed position”. The rejection should be withdrawn.

Claims 2, 6-10, 12-19, 21-22 and 24-26 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejection of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

Claims 1-4, 6-11, 14-18, 20, 24 and 27 are rejected under 35 USC 102(e) as being anticipated by Garthe et al. (US 2003/0225429). Applicants respectfully traverse the rejection.

Garthe discloses a blood withdrawal system that includes a mass 60, a rotatable guide sleeve 51 having cam grooves 52, 53 and a lancet holder 40 (Figures 4A-4C). When the guide sleeve 51 rotates, the mass 60 and the lancet holder 40 reciprocate in accordance with the profiles of the respective cam grooves 52, 53. Therefore, the reciprocal movement of the mass 60 is not converted into the reciprocal movement of the lancet holder 40 because the lancet holder 40 can reciprocate even if the mass 60 is

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eliminated. Thus, Garthe fails to teach or suggest the movement conversion means of claim 1. Therefore, the rejection's interpretation of Garthe is incorrect. If the interpretation of Garthe is maintained, Applicants respectfully request clarification as to why the reciprocation of the mass 60 is converted into the reciprocation of the lancet holder 40 in spite of the fact that the lancet holder 40 makes the same reciprocation based on the profile of the cam groove 52 even in the absence of the mass 60. Applicants request that rejection be withdrawn.

Claims 2-4, 6-11, 14-18, 20 and 24 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejection of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

Claim 27 is directed to a lancing apparatus having a movement conversion mechanism for converting the reciprocal movement of the first member into the reciprocal movement of the second member, the movement conversion mechanism including a fixed pin, a first link arm connected to the first member and to the fixed pin for pivoting about the fixed pin, and a second link arm connected to the first link arm at a fixed angle and to the second member, the angle between the first and second link arms being invariable regardless of positions of the first and second members, the second link arm being pivotable about the fixed pin as the first link arm pivots about the fixed pin.

The rejection considers pins 41, 61 of Garthe as equivalent to the claimed "link arms". Even though Applicants believe that this interpretation is erroneous, claim 27 has been amended to clarify that the link arms are pivotable about a fixed pin, which feature is not found in Garthe. Therefore, it is respectfully requested that the rejection be withdrawn.

#### 35 USC § 103 Rejections

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garthe et al. (US 2003/0225429). Applicants respectfully traverse this rejection.

Claim 5 is allowable at least by virtue of its dependence on independent claim 1. The rejection of this dependent claim should be withdrawn. Applicants do not concede the correctness of the rejection.

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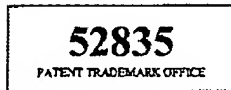
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Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over List (US 2003/0028126). Applicants respectfully traverse this rejection.

Claim 23 is allowable at least by virtue of its dependence on independent claim 1 or intervening dependent claims. The rejection of this dependent claim should be withdrawn. Applicants do not concede the correctness of the rejection.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

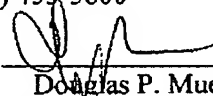
If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



Dated: June 2, 2010

Respectfully submitted,

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